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# Overlaps, Hiatuses and Junior/Senior Surveys

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Course Number
9600-ST-24

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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# Overlaps, Hiatuses and Junior/Senior Surveys

Course No. 9600-ST-24

April 1981

Produced by:

Bureau of Land Management

Cadastral Survey Training Staff

Denver, Colorado

in conjunction with

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REQUIREMENTS:

Completion of two Cadastral Survey Training Programs;

"Corner Point Identification"
"Restoration of Lost Corners by Proportionate Measurement"

GENERAL INSTRUCTIONS:

This training program is designed to be student interactive, with primary content being conveyed through the narration and visuals. Periodically, there are built-in pulses which automatically advance the twin projectors in synchronization with the tape. At intervals, the narrator refers to frame numbers, which should always be identical to those in the lower right corner of both slides. If these numbers disagree, stop the tape and advance the slides to the correct number.

SELF-PACED APPROACH:

If at any time you desire to further consider the information seen, you may stop the program by simply stopping the tape. We have incorporated audible "beep" tones at some points to identify automatic stops. If your set of projectors does not have this Auto-Stop capability, you will have to stop the tape yourself. In either case, restart the tape when you have completed the exercise or feel you have studied the slides sufficiently.

EXAMINATION AND SELF-TESTS:

It goes without saying that concentration is required. To promote your attention, there is a "final exam" which follows completion of the slide/sound workbook program. A grade of 85% or above is necessary to successfully prove your understanding of the concepts in this program. To guarantee this score, four workbook stops have been incorporated which refer you to exercises based on material just completed in the program. If these "self-tests" are not virtually perfect, you should take the time to return to the start of each section and repeat it until you are confident of content mastery.

OVERLAPS, HIATUSES AND JUNIOR/SENIOR SURVEYS

PROGRAM OBJECTIVES:

Upon successful completion of this course, you will be able to:

1) Define the terms "Junior" and "Senior" survey.

2) Define conditions under which Junior and Senior survey corners may be used to control the position of a Senior Survey.

3) Describe the treatment of Junior and Senior Corners, given a specific situation and land status.

4) Define the meaning of the terms "Hiatus" and "Overlap" in reference to land surveys.

5) State the procedures used when investigating an alleged overlap or hiatus.

6) State at least two original survey procedures of the rectangular survey system which could create a hiatus or overlap.

7) Make recommendations on the resolution of various test examples applying concepts learned in this course.

## PROGRAM EXERCISES

The following exercises are designed to be used in conjunction with the slide/sound portion of this program. Do not complete the questions until you are asked to do so by the narrator.

Each exercise is built using the concepts and definitions applied in the program segment immediately preceding it, so your answers should come easily. If they do not, then you might we wise to immediately return to the start of that segment for a quick review, paying particular attention to the things you had trouble with the first time.

The format of these exercises makes it possible for you to pencil in your responses in the spaces provided, and then fold back the right side of the page along the dotted line to expose our answers immediately adjacent to the questions. This will give you a running tally of your success, and saves the hassle of flipping back and forth between questions and answers again and again. Lightly penciled answers would permit your reuse of the quizzes at a later time for a quick refresher course.

## JOB PERFORMANCE AID

The Job Performance Aid which follows this exercise section is designed to be a useful reminder of the broad concepts conveyed. It is placed on one sheet, for possible removal from the book as a field reference.

EXERCISE 1:

1) A suspended survey may be corrected, reinstated or _____ in whole or in part.

2) A retracement of a previously surveyed line should verify the _____ and _____ of that line and confirm the condition of the physical evidence.

3) A metes and bounds survey is a survey of an irregularly shaped tract of land not conforming to the _____ system of surveys.

4) An overlap means "surveys in _____."

5) "Not including" is also an _____.

6) Title to some portion of the public lands is conveyed by a _____.

7) Acquired lands are lands in _____ ownership, obtained through _____, _____, _____, or _____.

8) A Senior survey is the _____ one made.

9) A right of way or an adjoiner when referred to in a survey description is a _____ monument.

* * * * * * * * *

(To repeat Section 1 of the program, return slides and tape to frame 13, following the narrator's statement of objectives.)

EXERCISE 2:

1) The Act of March 3, 1909 reads in part: "No resurvey or retracement may be executed as to impare the _____ rights...of any...owner of lands."

2) Regarding the rectangular system, if only one set of corners exist on the ground, regardless of whether they are Junior or Senior corners, an overlap or hiatus can _____ _____.

3) During an investigation and examination, the surveyor should:

   a. Obtain all possible _____ _____ of the surveys.

   b. Determine if the _____ survey is expressly limited by the _____ survey.

   c. Determine if the conflict is _____, caused by a technical difference.

   d. Determine the ownership _____ before and after all surveys, and obtain the dates of any _____.

   e. Determine if one survey did _____ another.

4) Certain metes and bounds survey may or may not have a _____/ _____relationship.

* * * * * * * *

(To repeat Section 2, return slides and tape to frame 45.

cancelled

direction
length

rectangular

conflict

exclusion or
exception

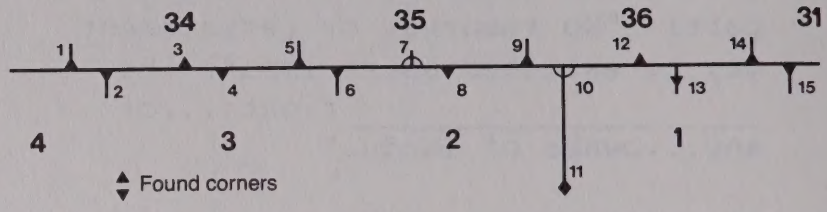
patent

federal
purchase
condemnation
gift
exchange

first

record

**DIAGRAM 1**



EXERCISE 3:

1) A township line was surveyed in 1910 and corners were then established for both sides of the line. You have made a dependent resurvey and have encountered the situation shown in Diagram #1 on the left.

   a. The ¼ section corner (#7) of section 35 is lost. What two corners will control the restoration? Corners _____ and _____.

   b. The corner of sections 1 and 2 (#10) is lost. You must restore it. Which corners will control?

      1. Corners _____.

      2. What type of measurement will apply? _____.

   c. You find the ¼ section corner of section 1 (#13), and it is 3 lks. south of the line between corners 12 and 14.

      1. Should the line be established to meet this corner? _____.

      2. Is this a junior corner or a senior corner? _____.

bona fide

seldom
be proven

corner
evidence

junior

senior

slight

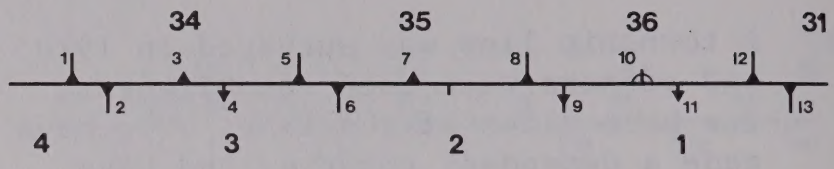
status

patents

supersede

junior/senior

**DIAGRAM 2**



2) The standard parallel was surveyed in 1910 and retraced with the corners pertaining to the sections south of the line set in 1915. Your dependent resurvey reveals the situation in diagram #2.

a. The standard ¼ section corner of 36 (#10) is lost. You must restore it. But corners #9 and #11 are south of the line, 4 and 2 lks. respectively.

1. What corners would control alignment?
   Corners _____.

6
8

2. What corners would control distance?
   Corners _____.

9 & 12 only

3. How would the distance be figured?
   _____.

single proportionate

b. Corner #4 is extant, but falls south of the senior line 5 lks. This portion of the line is on a steep south slope but has not "slid" downhill.

yes

1. How would this effect the line between corners #3 and #5?
   _____
   _____

senior

2. Is this a junior or a senior corner? _____.

* * * * * * * *

(To repeat Section 3, return slides and tape to frame 63.)

EXERCISE 4

1) It is a well established principle of law that the _____ set by a government surveyor, along with the _____ and _____ _____, absolutely control the boundaries of patented lands.

2) Two original survey procedures of the rectangular survey system which could create a hiatus or overlap are when:

   1. A second surveyor used a _____, _____, or _____. line as a basis for his survey.

   2. A second surveyor patently established a _____.

3) An original survey of the public lands is meant to _____ rather than ascertain their location.

4) Land _____ the boundary of a tract of land has not been conveyed.

5) Regardless of technical, or even intentional error, the lines of an original survey are _____.

6) A junior corner near the line can function as a _____.

7) Where no corners exist from the original survey, _____ may be the best evidence of the senior _____.

8) An independent resurvey is intended to _____ the original survey.

9) A mineral survey is done on _____ lands by a _____ surveyor.

8 & 12

9 & 11

single
proportionate
measure

It would
have no
effect

junior

10) Two other names for "window" are: _____ and _____.

11) Congressional "revestment" returns lands to _____.

12) The position of a tract of land is fixed by extant _____ _____.

13) An "Adjoiner" commonly refers to _____, but in actuality is _____.

14) The latin phrase "De minimus lex non curat" means: _____ _____.

15) An identified hiatus may actually become _____.

16) Lines marked on the ground by monuments stand _____ in determination of true boundaries of conveyed lands.

* * * * * * * *

(This exercise touched on concepts found throughout the program. If you are not confident at this time to take the Final Exam, please return to the beginning of the program and repeat it, paying particular attention to areas you have had difficulty remembering.)

monuments

plat
field notes

superseded
spurious
rejected

completely
separate line

create
boundaries

outside

unchangeable

closing corner

junior corners

line

supersede

U.S. Mineral
Surveyor

sliver
gore

public
ownership

original
corners
(monuments)

an adjacent
property
the property
owner

the law does
not concern
itself with
trifles

unsurveyed
public land

highest

# Notes

# Notes

# Notes

JOB PERFORMANCE AID:

The following outline might be considered this program "in a nutshell." It will not suffice as a teaching tool in its own right. Rather, it is meant to be a useful field reminder of the concepts and principles brought forth in the slide/sound/written exercise portions of this program.

* * * * *

LEGAL CONCEPTS APPLYING:

1. Concept of "fixed position of senior survey" even if inaccurate (Cragin vs. Powell, 1888).
2. "de minimus lex non curat" (law does not concern itself with trifles) (Amburgh vs. Hitt, 1893).
3. Concept of "bona fide rights" of a land owner (Act of 1909).
4. Monuments, plat and field notes control boundaries of patented lands (U.S. vs. Weyerhaeuser, 1967).

QUESTIONS TO CONSIDER:

1. Evidence of Senior and Junior Surveys?
2. How are surveys platted?
3. Language of field notes?
4. Random and true?
5. Real or "technical" difference?
6. Ownership status?
7. Does Junior supersede Senior survey?
8. Were Junior and Senior independent of each other?

TWO SETS OF CORNERS:

1. Common Situations:
   - Township and section lines
   - Corners control survey on each side of line
2. Guidelines:

   A. Both corners from same survey
      - Both control equally

   B. Line closing upon previous line
      - Senior corners control position

C. Retracement of previous line
   - If close; Junior corner used for proportionate measurement
   - Off line; Junior corner treated as closing corner
   - Extensive loss of Senior corners; Junior corners may exercise control

HISTORICAL CONSIDERATIONS:

1. Junior survey may have been based on invalidated Senior lines and corners.

2. Senior survey may have been superseded, cancelled, rejected, spurious (not of record).

FIELD INVESTIGATION:

Report to Supervisor should contain:

A. Diagram to Scale
   - correlation of existent original corners
   - local corners
   - spurious corners
   - fences, roads, claim boundaries
   - land status

B. Narrative
   - description of recovered evidence
   - witness statements
   - improvements affected
   - basis of claim locations
   - claim conflicts
   - anticipated hiatus

C. Field notes of retracement

D. Recommended procedure to best satisfy existing conditions and legal/historical precedents.

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